

Agenda

November 15, 2010

City Commission Room, 700 N. Jefferson, Junction City KS 66441

**Vice Mayor Ken Talley
Commissioner Terry Heldstab
Commissioner Scott Johnson
Commissioner Jack Taylor
City Manager Gerry Vernon
City Clerk Tyler Ficken**

1. 12:00 P.M. Noon- CALL TO ORDER

- a. A work session to discuss whether to proceed with ordinance modification to allow for shuttle transportation services with City of Junction City.

2. ADJOURNMENT:

City of Junction City

City Commission

Agenda Memo

November 15, 2010

From: Gerry Vernon, City Manager
To: City Commissioners
Subject: Shuttle Services Work Session

Objective: Discussion on this item will provide staff with direction on whether to proceed with an ordinance modification to allow for "shuttle" transportation services.

Explanation of Issue: The Commission recently heard from Mr. Murrell, Eagle Star Transport, concerning a shuttle service that he is providing in Junction City. As Junction City does not currently regulate shuttle services, this work session is to decide whether or not regulate shuttle services under the existing taxi cab regulations, create a new category, or to not regulate at all.

Staff discovered another type shuttle service that is operating in Junction City. B & G Transportation Service contracts with Medicare and Medicaid patients for transport to and from doctor's appointments, etc.

Staff's research revealed that no other communities in Kansas regulate shuttles. We did find city ordinances in Texas that create special categories for shuttles and regulated them accordingly.

Alternatives: The Commission should discuss and provide direction on the matter

Enclosures: Manhattan Kansas taxi cab ordinance and portions of ordinances from Mesquite Texas and Killeen Texas

Memo

To: Gerry Vernon, City Manager
From: Tim Brown, Chief of Police
CC:
Date: November 8, 2010
Re: Eagle Star Transport

On November 2, 2010, I assigned Captain Chuck Leithoff to look into the matter regarding the licensing and taxi/limo services of Eagle Star Transport.

On November 8, 2010, Captain Leithoff returned the results of his investigation to me.

I have attached a copy of his findings for your review.



Tim Brown
Chief of Police

Eagle Star Transport

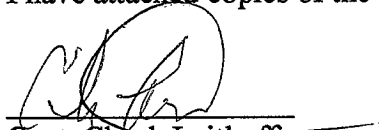
On 11022010, Chief Brown asked me to contact other cities in our immediate area to see how they handle their taxi/limo services and licensing.

I printed their City Codes from the internet of the ordinances that cover taxi and limo services in their respective cities.

I contacted the Codes Departments for the City of Manhattan Kansas, Salina Kansas and Emporia Kansas. I note that none of the three cities has an ordinance that deals specifically with shuttles, they fall into either the taxi or limo ordinance.

I advised them of the operation of Eagle Star Transport. Representatives from Manhattan and Salina advised me they would consider them to be a taxi service and they would have to comply with the taxi portion of their ordinance. Emporia representatives advised their taxi/limo falls under the same ordinance and would have to comply with that ordinance.

I have attached copies of the ordinances from these three cities.



Capt. Chuck Leithoff

Manhattan

Manhattan, Kansas, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 34 - VEHICLES FOR HIRE >> Article II - TAXICABS >> Division 1 - GENERALLY >>

Division 1 - GENERALLY

Sec. 34-16. - Definitions.

Sec. 34-17. - Rates and meters.

Sec. 34-18. - Inspection of vehicles.

Sec. 34-19. - Identification of taxicabs.

Sec. 34-20. - Knobs or handles on doors.

Sec. 34-21. - Communication.

Sec. 34-22. - Hours of service.

Sec. 34-23. - Appearance and conduct of drivers.

Sec. 34-24. - Number of passengers to be carried.

Sec. 34-25. - Defrauding a taxicab operator.

Secs. 34-26—34-35. - Reserved.

| Sec. 34-16. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

- (1) *Street* shall mean and include every street, avenue, alley, lane, road, highway or thoroughfare in the city.
- (2) *Taxicab* shall include every and all motor, diesel, jet propelled or other self-propelled vehicles carrying passengers for hire for which public patronage is solicited, such vehicles having an intended seating capacity of six persons or less; provided, that vehicles owned by undertakers and used exclusively for funeral and ambulance service shall not be termed taxicabs within the meaning thereof; provided further that "airport limousines," as defined in Article III of this chapter shall not be deemed to be taxicabs.
- (3) *Operate a taxicab or Drive a taxicab* shall mean and include the picking up, transporting or delivering a fare, when that fare originates within the jurisdiction of the City of Manhattan, Kansas, and shall not include passing through or delivering a fare to this jurisdiction when the fare originates elsewhere; neither shall it include delivering a fare that originates outside this jurisdiction to a location within the jurisdiction and then waiting for the fare and returning that fare outside the jurisdiction.

(Code 1973, § 10-1101; Ord. No. 4540, § 1, 9-20-88; Ord. No. 6042, § 1, 10-20-98)

Cross reference— Rules of construction and definitions generally, § 1-21 et seq.

| Sec. 34-17. - Rates and meters.

- (a) Except as stated in subsection (d), the rate of fare to be charged by every licensee operating, controlling or driving any licensed taxicab within the city shall be as determined by the governing body by resolution. Such resolution shall establish a schedule of rates to be charged by the licensees. The schedule of rates established shall be kept on file in the city clerk's office, and the schedule will also be prominently displayed in each taxicab.
- (b) Licensees or other interested parties may from time to time request that the rates be changed, whereupon the governing body may hold informal hearings to determine whether the rates should be changed.
- (c) Meters for measuring the rates to be charged shall be installed in all taxicabs operating in the city.
- (d) The provisions of this section shall not apply to the operation of any taxicab providing service to a governmental entity, under the terms of a written agreement, as described hereinafter, from the time the written agreement has been filed with the city clerk. The written agreement must be for a fixed term of less than three years, must establish the fee for such service, and the service must be limited to the governmental entity and its designated users, and not available for the public in general. For the purposes of this sub-section, the term "governmental entity" shall include the City of Manhattan, Riley County, Pottawatomie County, the State of Kansas, and Kansas State University.

(Code 1973, § 10-1108; Ord. No. 3127, § 1, 3-20-73; Ord. No. 6349, § 1, 7-15-03)

| Sec. 34-18. - Inspection of vehicles.

No person whether acting as owner, principal, agent, employee, lessee or licensee shall operate, or permit to be operated, upon the streets of the city, any taxicab unless the taxicab is in a safe and clean condition and has displayed, in plain view therein, a current certification by an ASE certified mechanic that the taxicab has been thoroughly inspected and examined by said mechanic and found to be in compliance with the provisions of this subsection. The mechanic shall certify, at a minimum, that the taxicab is equipped with the following proper, and working, systems, to-wit: brakes, suspension, steering, tires and wheels, muffler and exhaust system, glazing and mirrors, windshield wipers, defroster, door latch and release mechanisms, fuel tank and lines, seat belts and restraints, exterior and signal lighting and horn. Such certification, showing its effective date, shall be documented and attested to by the mechanic's signature on a form approved by the city manager. The certification shall be valid for a period of three months, from and after its effective date. The licensee shall be responsible for obtaining the certification from an ASE certified mechanic, and for paying all costs related thereto. In addition, the director of the Riley County police department, or his designee, is authorized to make periodic unannounced spot checks of all taxicabs licensed to operate in the city for safety and cleanliness.

(Code 1973, § 10-1107; Ord. No. 6349, § 2, 7-15-03)

| Sec. 34-19. - Identification of taxicabs.

All taxicabs operated under one license from the city shall be numbered in such a manner that the number is readily visible from either side of the vehicle. All taxicabs shall have an illuminated sign on the top of the cab bearing the legend "taxicab" or "cab".

(Code 1973, § 10-1107)

| Sec. 34-20. - Knobs or handles on doors.

Every taxicab shall have a knob or handle upon the side of the doors and windows thereof by which doors and windows thereof may be easily opened from the inside.

(Code 1973, § 10-1107)

| Sec. 34-21. - Communication.

All taxicabs shall be equipped with two-way radio units, cellular phones, or similar devices used for wireless communication.

(Code 1973, § 10-1107; Ord. No. 6349, § 3, 7-15-03)

| Sec. 34-22. - Hours of service.

All persons holding a taxicab license under the provisions of this article shall offer continuous service during the 24 hours of each day and shall at all times during that period maintain continuous telephone service.

(Code 1973, § 10-1107)

| Sec. 34-23. - Appearance and conduct of drivers.

Each licensee shall endeavor to train and require its drivers to maintain a neat and clean appearance and to be courteous to passengers and public in general.

(Code 1973, § 10-1107)

| Sec. 34-24. - Number of passengers to be carried.

No taxicab shall at any time carry passengers in excess of its licensed capacity and no taxicab shall carry more than two passengers in the front seat with the driver.

(Code 1973, § 10-1107)

| Sec. 34-25. - Defrauding a taxicab operator.

It shall be unlawful for any person with the intent to defraud a taxicab operator to call or request and receive carriage within the city and then refuse to pay for such carriage. The absence of sufficient funds in the possession of the person accused of violating this section to pay for the carriage at the time of the carriage shall be deemed to be prima facie evidence of the intent to defraud the taxicab operator.

(Code 1973, § 14-212)

| Secs. 34-26—34-35. - Reserved.

Manhattan, Kansas, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 34 - VEHICLES FOR HIRE >> Article II - TAXICABS >> Division 2 - OWNER'S LICENSE >>

Division 2 - OWNER'S LICENSE ^[128]

Sec. 34-36. - Required.

Sec. 34-37. - Application.

Sec. 34-38. - Insurance.

Sec. 34-39. - Reserved.

Sec. 34-40. - Fee.

Sec. 34-41. - Transferability.

Secs. 34-42—34-50. - Reserved.

I Sec. 34-36. - Required.

No person whether acting as owner, principal, agent, employee, lessee or licensee shall operate or permit to be operated upon the streets of the city any taxicab without having first procured a license therefor as provided in this division.

(Code 1973, § 10-1102)

I Sec. 34-37. - Application.

Any person whether acting as owner, principal, agent, employee, lessee or licensee in order to secure a license as herein required for the operation of a taxicab, and before any such license shall be granted or issued, shall file with the city clerk an application for such license on such form and containing such information as the city clerk may require, including but without limitation the following:

- (1) The name and address of the owner of the vehicle proposed to be licensed;
- (2) A complete description of each vehicle including the number of persons it is constructed to carry, model, motor number and state license number;
- (3) A copy of the current certification of inspection of each vehicle;
- (4) The principal place of business, telephone number and office address of the owner, and if the owner be a corporation, the names and addresses of the officers and directors of such corporation, and if a partnership, the names and addresses of all the partners together with a copy of their partnership agreement;
- (5) The trade name under which the taxicab shall be operated and the color or distinctive design of the body, if any;
- (6) The application shall be signed by the owner and the information contained in such application shall be sworn to by the signing party. In the case of partnership, the signature and oath will be made by one partner; in the case of a corporation, the signature and oath will be that of the managing officer of the corporation. All such applications shall be referred to the city manager for examination and if the applicant is determined to be qualified under the terms of this division and all requirements herein made have been satisfied and complied with, the city manager will refer it to the city clerk for issuance of the license.

(Code 1973, § 10-1103; Ord. No. 4801, § 1, 6-15-93; Ord. No. 6349, § 4, 7-15-03)

I Sec. 34-38. - Insurance.

Before any license for a taxicab shall be issued under the provisions of this division, the owner or operator thereof shall file with the city clerk an insurance policy approved by the city manager providing insurance coverage for each and every taxicab owned, operated or leased by such person, with a liability coverage of not less than \$50,000.00 for injury or death to any one person and \$100,000.00 for the injury or death of any number of persons in any one accident, and with a coverage of at least \$10,000.00 for property

damage in any one accident, and such insurance coverage shall be effective whether the taxicab is at the time of any accident being driven by the owner, his agent, employee, lessee or any other person with the consent of the owner; such insurance policy shall contain all of the conditions required by the laws of the state and shall carry a uniform endorsement for actual notice to the city of any changes thereon; such policy and endorsement thereon shall further provide that it cannot be canceled until ten days' written notice shall have been filed with the city clerk.

(Code 1973, § 10-1104)

| Sec. 34-39. - Reserved.

Editor's note— Section 2 of Ord. No. 4801, adopted June 15, 1993, repealed § 34-39 which pertained to certificates of convenience and necessity and derived from Code 1973, § 10-1105.

| Sec. 34-40. - Fee.

The fee for a license under this division shall be as prescribed in section 19-44.

(Code 1973, § 10-1106)

| Sec. 34-41. - Transferability.

- (a) A license issued under this division is not transferable and in case a new or different motor vehicle is substituted for taxicab service in place of the one for which a license has been issued, a new license shall be secured but at no additional cost.
- (b) Upon the sale of entire taxicab business by a duly licensed owner, the purchaser may obtain licenses for the operation of the same for the unexpired license period upon the payment of a \$25.00 fee; provided, that such purchaser shall otherwise qualify under the terms of this division.

(Code 1973, § 10-1106)

| Secs. 34-42—34-50. - Reserved.

FOOTNOTE(S):

(128) **Cross reference—** Licenses generally, Ch. 19. [\(Back\)](#)

Manhattan, Kansas, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 34 - VEHICLES FOR HIRE >> Article II - TAXICABS >> Division 3 - DRIVER'S LICENSE >>

Division 3 - DRIVER'S LICENSE [129]

Sec. 34-51. - Required.
Sec. 34-52. - License application.
Sec. 34-53. - Requisite knowledge.
Sec. 34-54. - Temporary license.
Sec. 34-55. - Causes for denial.
Sec. 34-56. - Issuance; identification card.
Sec. 34-57. - Fee.
Sec. 34-58. - Expiration.
Sec. 34-59. - Revocation; suspension; surrender of license.
Sec. 34-60. - Appeal.
Secs. 34-61—34-69. - Reserved.

| Sec. 34-51. - Required.

It shall be unlawful for any person to act as the driver of a taxicab in the city without first having secured a license therefor as provided in this division.

(Code 1973, § 10-1109; Ord. No. 3411, § 1, 7-20-76)

| Sec. 34-52. - License application.

- (a) A license to operate a taxicab within the City of Manhattan, Kansas, shall be issued by the city clerk to persons who qualify for such license pursuant to the terms of this division.
- (b) The license under this division shall be applied for in writing on such forms as the city clerk may provide and contain such information as may be required, including the following (for the purposes of this section the term "conviction" shall include any agreement the applicant has entered into which resulted in a diversion of the offense charged):
 - (1) Whether or not the applicant has heretofore been licensed as a taxicab driver; if so, when and by what municipality or state and whether such license has been revoked or suspended and the date thereof;
 - (2) The date of conviction of the applicant, and the court where convicted, of any offense related to the operation of a motor;
 - (3) Whether the applicant has ever been convicted of a felony or misdemeanor, giving particulars of each conviction;
 - (4) The applicant shall furnish the names of three reputable persons residing in the city as references;
 - (5) A signed certification, by the holder of the license issued pursuant to section 34-37, that the applicant possesses the knowledge required by section 34-53.
 - (6) A written consent, by the applicant, for the Riley County police department to conduct a criminal records background investigation on the applicant.
- (c) Upon receipt of an application under this division, the clerk shall transmit a copy of the application to the director of the Riley County police department for a criminal records investigation of the applicant. The director of the Riley County police department shall file a report with the city clerk addressing the factors contained within section 34-55 of this division.

(Code 1973, § 10-1109; Ord. No. 3411, § 1, 7-20-76; Ord. No. 4514, § 1, 5-17-88; Ord. No. 6349, § 5, 7-15-03)

| Sec. 34-53. - Requisite knowledge.

All persons granted a license under this division shall have thorough knowledge of the provisions of the

ordinances of the city relating to the operation of taxicabs and traffic, as well as the geography of the city. It is the responsibility of every licensee employing persons to operate taxicabs to ensure the drivers possess the knowledge required by this section.

(Code 1973, § 10-1109; Ord. No. 3411, § 1, 7-20-76; Ord. No. 6349, § 6, 7-15-03)

| Sec. 34-54. - Temporary license.

The city clerk may issue a temporary license under this division for a period not to exceed 30 days during the time investigation of the applicant is being conducted. The permit is to expire automatically at the end of 30 days from the date of issuance.

(Code 1973, § 10-1109; Ord. No. 3411, § 1, 7-20-76; Ord. No. 4514, § 1, 5-17-88)

| Sec. 34-55. - Causes for denial.

- (a) No license shall be issued to any person under this division unless that person is at least 18 years of age; has been a resident of the state of Kansas for at least three months prior to the filing of the application; and has a current and valid driver's license issued by the State of Kansas.
- (b) No license shall be issued to any person under this division who has been convicted under the laws of the State of Kansas, any other state, this city or any other city, of any offense in category I below; or, to any person who, within the three years immediately preceding the date of application, has been convicted under the laws of the State of Kansas, any other state, this city or any other city, of any offense in category II below. For the purposes of this Section the term "conviction" shall include any agreement the applicant has entered into which resulted in a diversion of the offense charged.

Category I.

- (1) Any felony;
- (2) Any offense involving moral turpitude;
- (3) Leaving the scene of an accident.

Category II.

- (1) The illegal sale, possession, manufacture or transportation of intoxicating liquor;
- (2) Driving under the influence of alcohol and/or drugs;
- (3) Reckless driving;
- (4) Fleeing or eluding a police officer;
- (5) Driving while license is suspended or revoked;
- (6) Failure to report an accident;
- (7) Five or more traffic violations, not including parking violations.

(Code 1973, § 10-1109; Ord. No. 3411, § 1, 7-20-76; Ord. No. 4514, § 1, 5-17-88; Ord. No. 4646, § 1, 7-3-90; Ord. No. 6349, § 7, 7-15-03)

| Sec. 34-56. - Issuance; identification card.

If an applicant is issued a license under this division, the city clerk shall issue the applicant a driver's license identification card. The driver's license identification card shall include a picture of the driver and shall be posted in a conspicuous place in the taxicab.

(Code 1973, § 10-1109; Ord. No. 3411, § 1, 7-20-76; Ord. No. 4514, § 1, 5-17-88)

| Sec. 34-57. - Fee.

The fee for a license under this division shall be as prescribed in section 19-45.

(Code 1973, § 10-1110; Ord. No. 3411, § 2, 7-20-76)

| Sec. 34-58. - Expiration.

All licenses issued under this division shall expire on December 31st of each year.

(Code 1973, § 10-1110; Ord. No. 3411, § 2, 7-20-76; Ord. No. 4514, § 1, 5-17-88)

| Sec. 34-59. - Revocation; suspension; surrender of license.

- (a) *Grounds for revocation.* The taxicab driver's license provided for herein shall be revoked by the city clerk at any time that the holder thereof would not qualify for the license, pursuant to section 34-55.
- (b) *Grounds for suspension.* The city clerk may suspend any such license upon a showing that the holder has:
 - (1) Permitted any other person to use such license for any reason.
 - (2) Obliterated, erased, or modified any portion of such license.
 - (3) Falsified information on the application.
- (c) *Surrender of license.* Upon suspending or revoking a license hereunder, the city clerk shall notify the holder of such license that it has been suspended or revoked. Upon such notification, the holder of the license shall immediately surrender the license and identification card to the city clerk.

(Code 1973, § 10-1111; Ord. No. 3411, § 3, 7-20-76; Ord. No. 4514, § 1, 5-17-88; Ord. No. 4646, § 1, 7-3-90)

| Sec. 34-60. - Appeal.

Any person who has been denied a license under the terms of this division or whose license has been revoked or suspended may appeal such action to the governing body of the city by filing a notice of such appeal within seven days of the action with the city clerk. The governing body, in conducting such appeal, may enter such orders as are consistent with this division.

(Ord. No. 4514, § 1, 5-17-88)

| Secs. 34-61—34-69. - Reserved.

FOOTNOTE(S):

(129) **Cross reference—** Licenses generally, Ch. 19. ([Back](#))

**Manhattan, Kansas, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 34 - VEHICLES
FOR HIRE >> Article III - AIRPORT LIMOUSINES >> Division 1 - GENERALLY >>**

Division 1 - GENERALLY

Sec. 34-70. - Definitions.

Sec. 34-71. - Inspection of vehicles.

Sec. 34-72. - Identification of airport limousines.

Secs. 34-73—34-79. - Reserved.

I Sec. 34-70. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

- (1) *Street* shall mean and include every street, avenue, alley, lane, road, highway or thoroughfare in the city.
- (2) *Airport limousine* shall include every motor vehicle, other than a taxicab as defined in section 34-16, which is used to carry passengers to, or from, the Manhattan Regional Airport, for a fee, such vehicle having an intended seating capacity of 15 persons or less.
- (3) *Operate an airport limousine or drive an airport limousine* shall mean and include the picking up, transporting or delivering a passenger, or passengers, for a fee, when the trip either originates, or terminates, at the Manhattan Regional Airport.
- (4) *Airport* shall mean the Manhattan Regional Airport.

(Ord. No. 6042, § 2, 10-20-98)

I Sec. 34-71. - Inspection of vehicles.

All airport limousines operated under one license from the city shall be made available for safety and cleanliness inspections once a month at places, dates and times as determined by the director of the Riley County Police Department wherein police department personnel may inspect and examine the vehicles for such inspection purposes. In addition, the director is authorized to make periodic unannounced spot checks of all airport limousines licensed to operate in the city for safety and cleanliness. No vehicle may be used as an airport limousine by a licensee in the city unless it passes such safety and cleanliness inspection. The director shall establish itemized check lists to be used as standards in conducting such inspections. Copies of these standards will be furnished to the licensees. A copy of the results of each inspection conducted shall be furnished to the licensee. Upon passing such inspection, a certificate of inspection shall be issued good for a period of not less than ten days and not more than 30 days. Use of a vehicle as an airport limousine by a licensee without a current certificate of inspection shall be a misdemeanor.

(Ord. No. 6042, § 2, 10-20-98)

I Sec. 34-72. - Identification of airport limousines.

All airport limousines operated under one license from the city shall be identified with lettering on the vehicle, that is readily visible from either side of the vehicle, that includes the company name and a separate line stating "Airport Limousine."

(Ord. No. 6042, § 2, 10-20-98)

I Secs. 34-73—34-79. - Reserved.

Manhattan, Kansas, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 34 - VEHICLES FOR HIRE >> Article III - AIRPORT LIMOUSINES >> Division 2 - OWNER'S LICENSE >>

Division 2 - OWNER'S LICENSE

Sec. 34-80. - Required.

Sec. 34-81. - Application.

Sec. 34-82. - Insurance.

Sec. 34-83. - Fee.

Sec. 34-84. - Transferability.

Secs. 34-85—34-89. - Reserved.

I Sec. 34-80. - Required.

No person whether acting as owner, principal, agent, employee, lessee or licensee shall operate or permit to be operated upon the streets of the city, or at the Manhattan Regional Airport, any airport limousine without having first procured a license therefor as provided in this division.

(Ord. No. 6042, § 2, 10-20-98)

I Sec. 34-81. - Application.

Any person whether acting as owner, principal, agent, employee, lessee or licensee in order to secure a license as herein required for the operation of an airport limousine, and before any such license shall be granted or issued, shall file with the city clerk an application for such license on such form and containing such information as the city clerk may require, including but without limitation the following:

- (1) The name and address of the owner of the vehicle proposed to be licensed;
- (2) A complete description of each vehicle including the number of persons it is constructed to carry, model, motor number and state license number;
- (3) The principal place of business, telephone number and office address of the owner, and if the owner be a corporation, the names and addresses of the officers and directors of such corporation, and if a partnership, the names and addresses of all the partners together with a copy of their partnership agreement;
- (4) The trade name under which the airport limousine shall be operated and the color or distinctive design of the body, if any;
- (5) The application shall be signed by the owner and the information contained in such application shall be sworn to by the signing party. In the case of partnership, the signature and oath will be made by one partner; in the case of a corporation, the signature and oath will be that of the managing officer of the corporation. All such applications shall be referred to the city manager for examination and if the applicant is determined to be qualified under the terms of this division and all requirements herein made have been satisfied and complied with, the city manager will refer it to the city clerk for issuance of the license.

(Ord. No. 6042, § 2, 10-20-98)

I Sec. 34-82. - Insurance.

Before any license for an airport limousine shall be issued under the provisions of this division, the owner or operator thereof shall file with the city clerk an insurance policy approved by the city manager providing insurance coverage for each and every airport limousine owned, operated or leased by such person, with a liability coverage of not less than \$50,000.00 for injury or death to any one person and one \$100,000.00 for the injury or death of any number of persons in any one accident, and with a coverage of at least \$10,000.00 for property damage in any one accident, and such insurance coverage shall be effective whether the airport limousine is at the time of any accident being driven by the owner, his agent, employee, lessee or any other person with the consent of the owner; such insurance policy shall contain all of the conditions

required by the laws of the state and shall carry a uniform endorsement for actual notice to the city of any changes thereon; such policy and endorsement thereon shall further provide that it cannot be canceled until ten days written notice shall have been filed with the city clerk.

(Ord. No. 6042, § 2, 10-20-98)

| Sec. 34-83. - Fee.

The fee for a license under this division shall be as prescribed in section 19-44.

(Ord. No. 6042, § 2, 10-20-98)

| Sec. 34-84. - Transferability.

- (a) A license issued under this division is not transferable and in case a new or different motor vehicle is substituted for airport limousine service in place of the one for which a license has been issued, a new license shall be secured but at no additional cost.
- (b) Upon the sale of entire airport limousine business by a duly licensed owner, the purchaser may obtain licenses for the operation of the same for the unexpired license period upon the payment of a \$25.00 fee; provided, that such purchaser shall otherwise qualify under the terms of this division.

(Ord. No. 6042, § 2, 10-20-98)

| Secs. 34-85—34-89. - Reserved.

Manhattan, Kansas, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 34 - VEHICLES FOR HIRE >> Article III - AIRPORT LIMOUSINES >> Division 3 - DRIVER'S LICENSE >>

Division 3 - DRIVER'S LICENSE

Sec. 34-90. - Required.

Sec. 34-91. - License application.

Sec. 34-92. - Investigation.

Sec. 34-93. - Temporary license.

Sec. 34-94. - Causes for denial.

Sec. 34-95. - Issuance; identification card.

Sec. 34-96. - Fee.

Sec. 34-97. - Expiration.

Sec. 34-98. - Revocation; suspension; surrender of license.

Sec. 34-99. - Appeal.

| Sec. 34-90. - Required.

It shall be unlawful for any person to act as the driver of an airport limousine in the city, or at the Manhattan Regional Airport, without first having secured a license therefor as provided in this division.

(Ord. No. 6042, § 2, 10-20-98)

| Sec. 34-91. - License application.

- (a) A license to operate an airport limousine within the City of Manhattan, Kansas, and at the Manhattan Regional Airport shall be issued by the city clerk to persons who qualify for such license pursuant to the terms of this division.
- (b) The license under this division shall be applied for in writing on such forms as the city clerk may provide and contain such information as may be required, including the following:
 - (1) Whether or not the applicant has heretofore been licensed as an airport limousine driver; if so, when and by what municipality or state and whether such license has been revoked or suspended and the date thereof;
 - (2) The number of times and places arrested or convicted for traffic violations;
 - (3) Whether applicant has ever been convicted of a felony or misdemeanor, giving particulars of each conviction;
 - (4) The applicant shall furnish the names of three reputable persons residing in the city as references;
 - (5) Every applicant shall be not less than 18 years of age and have resided in the state for at least three months next preceding the filing of the application.
- (c) Upon receipt of an application under this division, the clerk shall transmit a copy of the application to the director of the Riley County Police Department for an investigation of the applicant. The director of the Riley County Police Department shall file a report with the city clerk addressing the factors contained within sections 34-91 and 34-92 of this division.

(Ord. No. 6042, § 2, 10-20-98)

| Sec. 34-92. - Investigation.

Upon the filing of an application under this division, the director of the Riley County Police Department shall cause the applicant to be examined as to his knowledge of the provisions of the ordinances of the city relating to the operation of airport limousines and traffic, as well as the geography of the city and if the applicant fails to show responsible knowledge of such matters, he shall be refused a license. The applicant shall be fingerprinted under the direction and control of the police department and the fingerprints may be employed by the police department in any manner which it may find necessary in order to determine whether the applicant is

a fit person to operate an airport limousine within the city.

(Ord. No. 6042, § 2, 10-20-98)

Sec. 34-93. - Temporary license.

The city clerk may issue a temporary license under this division for a period not to exceed 30 days during the time investigation of the applicant is being conducted. The permit is to expire automatically at the end of 30 days from the date of issuance.

(Ord. No. 6042, § 2, 10-20-98)

Sec. 34-94. - Causes for denial.

- (a) No license shall be issued to any person under this division unless that person has a current and valid driver's license issued by the State of Kansas.
- (b) No license shall be issued to any person under this division who has been convicted under the laws of the State of Kansas, any other state, this city or any other city of any offense in Category I below; or, to any person who, within the three years immediately preceding the date of application, has been convicted of any offense in Category II below:

Category I

- (1) Any felony;
- (2) Any offense involving moral turpitude;
- (3) Leaving the scene of an accident.

Category II

- (1) The illegal sale, possession, manufacture or transportation of intoxicating liquor;
- (2) Driving under the influence of alcohol and/or drugs;
- (3) Reckless driving;
- (4) Fleeing or eluding a police officer;
- (5) Driving while license is suspended or revoked;
- (6) Failure to report an accident;
- (7) Five or more traffic violations, not involving parking violations.

(Ord. No. 6042, § 2, 10-20-98)

Sec. 34-95. - Issuance; identification card.

If an applicant is issued a license under this division, the city clerk shall issue the applicant a driver's license identification card. The driver's license identification card shall include a picture of the driver and shall be posted in a conspicuous place in the airport limousine.

(Ord. No. 6042, § 2, 10-20-98)

Sec. 34-96. - Fee.

The fee for a license under this division shall be as prescribed in section 19-45.

(Ord. No. 6042, § 2, 10-20-98)

Sec. 34-97. - Expiration.

All licenses issued under this division shall expire on December 31 of each year.

(Ord. No. 6042, § 2, 10-20-98)

| Sec. 34-98. - Revocation; suspension; surrender of license.

- (a) *Grounds for revocation.* The airport limousine driver's license provided for herein shall be revoked by the city clerk at any time that the holder thereof would not qualify for the license, pursuant to section 34-94.
- (b) *Grounds for suspension.* The city clerk may suspend any such license upon a showing that the holder has:
 - (1) Permitted any other person to use such license for any reason.
 - (2) Obliterated, erased, or modified any portion of such license.
 - (3) Falsified information on the application.
- (c) *Surrender of license.* Upon suspending or revoking a license hereunder, the city clerk shall notify the holder of such license that it has been suspended or revoked. Upon such notification, the holder of the license shall immediately surrender the license and identification card to the city clerk.

(Ord. No. 6042, § 2, 10-20-98)

| Sec. 34-99. - Appeal.

Any person who has been denied a license under the terms of this division or whose license has been revoked or suspended may appeal such action to the governing body of the city by filing a notice of such appeal within seven days of the action with the city clerk. The governing body, in conducting such appeal, may enter such orders as are consistent with this division.

(Ord. No. 6042, § 2, 10-20-98)

ORDINANCE NO. 2793

00181

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8, ARTICLE II OF THE CODE OF THE CITY OF MESQUITE BY DELETING DIVISIONS 1 THROUGH 7, ENTITLED "TAXICABS" AND REPLACING WITH NEW DIVISIONS 1 THROUGH 5, ENTITLED "VEHICLES FOR HIRE"; THEREBY ESTABLISHING RULES AND REGULATIONS GOVERNING VEHICLES FOR HIRE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, Mesquite's existing Taxicab Ordinance does not address shuttle service regulations; and

WHEREAS, the City of Mesquite has had several inquiries from prospective shuttle service operators about regulations addressing their industry; and

WHEREAS, to adequately protect the citizens of Mesquite an ordinance is needed to regulate shuttle or special service vehicle operations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Article II, entitled "Taxicabs", Divisions 1 through 7, of Chapter 8 of the Code of the City of Mesquite is hereby deleted.

SECTION 2. That a new Article II, entitled "Vehicles For Hire", Divisions 1 through 5, of Chapter 8 of the Code of the City of Mesquite is hereby adopted to read as follows:

00182

ARTICLE II. VEHICLES FOR HIRE

DIVISION I. GENERALLY

Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Annual permit means permission granted by the city to a person to operate a taxicab or special service vehicle inside the city for a period of one (1) year, renewable under the provisions of this article.

Department means the department designated by the city manager to enforce and administer this article.

Driver means an individual who drives or operates a taxicab or special service vehicle.

Chief of police means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the chief of police.

Holder means a person who is granted an annual permit under this article. If the context in which the term is used applies to operations under a temporary permit or reciprocal agreement the term "holder" includes a person who is granted a temporary permit or reciprocal agreement.

Legal resident means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.

Operate means to drive or to be in control of a taxicab or special service vehicle.

Operating authority means an annual permit, temporary permit, or reciprocal agreement granted under this article.

Operator means the driver of a taxicab or special service vehicle, the owner of a taxicab or special service vehicle, or the holder of a taxicab or special service vehicle operating authority.

Owner means the person to whom state license plates for a vehicle were issued.

Person means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two (2) or more persons having a joint or common economic interest.

Reciprocal agreement means an agreement between the city and one (1) or more political subdivisions to provide reciprocal operation of taxicabs or special service vehicles.

Taxicab means a chauffeured motor vehicle with a rated passenger capacity of eight (8) or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, and a call and demand basis, but not including limousines, or special service vehicles.

Taxicab service means a passenger transportation service operated for hire that uses taxicabs in the operation of the service and includes (but is not limited to) a facility from which the service is operated, taxicabs used in the operation, and a person who owns, controls, or operates the service.

Taxicab stand means a public place reserved exclusively for use by taxicabs.

Taximeter means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

Temporary permit means permission granted by the city to a person to operate a taxicab or special service vehicle service inside the city for a specified period of time less than one (1) year.

* *Special service vehicle* means any vehicle, other than one rented without a driver, or a taxicab or a limousine, or bus operated by or on behalf of the city or school district, used for the transportation of more than four (4) passengers for hire for airport shuttle service, or other such similar excursions, the charges for which is determined by the length of time for which the vehicle is engaged, the distance traveled, a fixed fee or any combination of such methods of determining such charge.

Special service vehicle driver's license means a license issued to an individual by the chief of police authorizing that person to operate a vehicle for hire in the city.

Vehicle for hire means a taxicab or special service vehicle defined by this article.

Sec. 8-27. Statement of policy.

It is the policy of the city to provide for and to promote adequate and efficient vehicle for hire service in the city. To this end, this article provides for the regulation of vehicle for hire rates and services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Sec. 8-28. General authority and duty of chief of police.

The chief of police shall implement and enforce this article and may by written order establish such rules or regulations, not inconsistent with this article, as he determines are necessary to discharge his duty under, or to effect the policy of this article.

Sec. 8-29. Establishment of rules and regulations.

(a) Before adopting, amending, or abolishing a rule or regulation, the chief of

(a) The holder, owner, or driver of a taxicab shall obtain a decal, indicating the taxicab's authority to operate, from the chief of police each month, or other period to be determined by the chief of police. A decal must be attached to the front windshield of the taxicab in a manner and location approved by the chief of police.

(b) A person commits an offense if he:

- (1) Operates a taxicab with an expired decal or with no decal affixed to it;
- (2) Attaches a decal to a vehicle not authorized to operate as a taxicab;
- (3) Forges, alters or counterfeits a taxicab decal required by this section; or
- (4) Possesses a forged, altered, or counterfeited taxicab decal required by this section.

(c) A taxicab decal assigned to one (1) vehicle is not transferable to another vehicle without consent of the chief of police.

Sec. 8-135. Off-duty status of taxicabs.

Each taxicab is presumed to be on duty and ready to serve the general public for hire. If a driver is off duty and does not intend to provide taxicab service, he shall comply with the following requirements:

- (1) The driver shall place a sign, to be provided by the holder, in the taxicab indicating the words "off duty" printed in letters not less than three (3) inches in height with a stroke of not less than three-eighths inch. The letters shall be on a backing of sufficient thickness to not easily bend.
- (2) When a driver is off duty, he shall display the sign in an upright position in the front window on the right side of the taxicab so as to be easily seen and read from outside of the taxicab.

Sec. 8-136. Removal of equipment.

Whenever a vehicle is removed from service as a taxicab, the holder, owner, or driver shall remove from the vehicle all taxicab signs, markings, and equipment that would distinguish the vehicle as a taxicab, including, but not limited to, radios, data terminals, top lights, meters, and decals.

DIVISION 5. SPECIAL SERVICE VEHICLES

5A. PERMIT

Sec. 8-137. Required.

A person may not operate a special service vehicle inside the city without operating authority granted under this article, nor may a person transport a passenger for hire inside the city by special service vehicle unless the person operating the special service vehicle or another who employs or contracts with the driver has been granted operating authority under this article, except when authorized by reciprocal agreement.

Sec. 8-138. Transfer.

A special service vehicle permit may not be transferred to another unless the holder files a written application for the transfer in the matter and containing the information prescribed by the chief of police, and the transfer application is approved by the city council.

Sec. 8-139. Annual permit; investigation of application; permit renewal.

(a) Upon receipt of an application and application fee for an annual permit the chief of police shall conduct an investigation and make findings of fact concerning public convenience and necessity and other relevant factors, including but not limited to:

- (1) The financial responsibility of the applicant;
- (2) The character, experience and responsibility of applicant;
- (3) The number, kind, age, and type of equipment and the color scheme to be used by the applicant;
- (4) The probable effect of increased service on local traffic conditions.
- (5) Whether the applicant is fit, able and willing to perform the service on a regular and continuous basis.

(b) The applicant for a permit has the burden of proving that the public convenience and necessity require the proposed special service vehicle and that the applicant is qualified and financially able to provide the service proposed in the application.

(c) Within a reasonable time following the date of application, the chief of police shall report in writing his findings of fact and recommendation to the city manager for transmittal to the city council. The city council shall then consider whether an annual permit should be granted as prescribed by this article.

(d) If the city council determines that a permit is granted, that permit shall be in force and in effect for a term not longer than twelve (12) months from and after the effective date of council authorization, unless sooner termination by reason of default due to a suspension or revocation as provided for under the requirements of this article.

(e) Permit granted under the terms of this article, that has had no material changes may be renewed by the chief of police on written application by the special service vehicle service not less than thirty (30) days prior to the expiration date of said permit and payment of the permit fee described herein.

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(f) City Council may approve a renewal of a permit when there are changes recommended to the original permit either by the chief of police or ho

Sec. 8-140. Annual permit granted by city council.

(a) Before an annual permit is granted, a person shall make applicati city in the manner prescribed by this Section. The applicant must be the person own, control, or operate the proposed special service vehicle. An applicant shall the city secretary and the chief of police a written, verified application statement c the following:

- (1) The form of business of the applicant; if the business is a co or association, a copy of the documents establishing the bus the name, address, social security number, date of birth, and c of each person with a direct interest in the business;
- (2) Name, address, and verified signature of the applicant;
- (3) Documentary evidence from an insurance company, authori business in the state indicating a willingness to provide insurance required by this article or be self-insured in the prescribed by the Texas Motor Vehicle Safety-Responsibilit
- (4) Such additional information as the applicant desires to inclu in the determination whether the requested operating authc be granted; and
- (5) Such additional information as the chief of police or cit considers necessary to assist or promote the implemen enforcement of this article for the protection of the public's
- (6) A one hundred-fifty dollar (\$150.00) non-refundable applic shall be attached to the application.

(b) Granting of an annual permit to a special service vehicle applicant discretion of the city council, but will not be granted unless:

- (1) The proposed special service vehicle is required by th convenience and necessity;
- (2) The applicant is fit, willing, and able to operate the specia vehicle in accordance with the requirements of this article, i regulations of the chief of police, provisions of the annual pe other applicable law; and
- (3) The applicant has paid the annual permit fee.

(c) The holder of the annual permit must provide special service vehicl to the entire city.

00210

Sec. 8-141. Amendment; suspension, revocation.

(a) *Amendment.* A special service vehicle permit is amendable under the conditions and in the manner prescribed by this article. An annual permit is amendable at any time by the city council.

(b) *Suspension and revocation of permit.* The following regulations apply to the suspension or revocation of annual or temporary permit:

- (1) The city council may suspend or revoke a permit if it determines that the holder has:
 - (a) Failed to comply with a correction order issued to the holder by the chief of police, within the time specified in the order;
 - (b) Intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;
 - (c) Failed to comply with this article;
 - (d) Had a final conviction for violation of another city, state, or federal law, which violation reflects unfavorably on the fitness of the holder to perform a public transportation service;
 - (e) Substantially breached the terms of the permit;
 - (f) Failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the shuttle service; or
 - (g) Failed to pay a permit fee at the time it was due.
- (2) A suspension of a permit does not affect the expiration date of the permit.
- (3) After revocation of a permit, a holder is not eligible for a permit for a period of two (2) years.

(d) *Reinstatement.* After suspension of a permit, a holder may file with the city council a written request for reinstatement of the permit. The chief of police shall inspect the operation of the suspended holder to determine if the deficiency causing the suspension has been corrected by the holder. After inspection, the chief of police shall submit his recommendation together with supporting facts to the city council. The city council may, as it determines is appropriate, reinstate the permit or deny reinstatement.

Sec. 8-142. Permit fee.

The special service vehicle service shall pay to the city five hundred dollars (\$500.00)

per year. The permit fee is payable in the manner and at the time prescribed by Section 8-140.

5B. SERVICE REGULATIONS

Sec. 8-143. Refusal to convey passengers.

While operating a special service vehicle a driver shall not refuse to convey a person who requests service unless:

- (1) The person is disorderly;
- (2) The driver is engaged in answering a previous request for service;
- (3) The driver has reason to believe that the person is engaged in unlawful conduct; or
- (4) The driver is in fear of his personal safety.

Sec. 8-144. Passenger limitations.

(a) While operating a special service vehicle a driver on duty may carry only a person who is a paying passenger, unless the passenger is an employee of the holder that employs or contracts with the driver, a governmental inspector acting in an official capacity, or unless it is authorized by the holder's operating authority.

(b) A driver may not carry at the same time more passengers than the designed seating capacity of the motor vehicle.

(c) The chief of police may establish rules governing passenger limitations.

Sec. 8-145. Carry passengers by direct route.

A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.

Sec. 8-146. Routes and pick-up areas to be specified.

(a) A granting of a permit does not guarantee the holder the right or authority to use a public or privately owned facility to drop-off or pick-up passengers. The holder must specify any regularly assigned or designated routes or pick-up or drop-off locations. The city council will not approve a permit if there are regularly assigned or designated pick-up or drop-off locations without a letter from the property owner granting this permission. Regularly assigned or designated routes will be specifically authorized by the city council.

(b) Any special service vehicle that is 25,000 gross body weight or more must comply with Chapter 9, Article 8 of the City of Mesquite Code of Ordinances pertaining to commercial vehicles.

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Sec. 8-147. Conduct of drivers.

A driver shall:

- (1) Conduct himself in a reasonable, prudent, and courteous manner;
- (2) Maintain a sanitary and well-groomed appearance;
- (3) Not respond to a radio dispatch call assigned to another driver;
- (4) Not consume alcoholic beverage, drugs, or other substance which could adversely affect his ability to drive a motor vehicle;
- (5) Not monitor the radio frequency of another vehicle for hire company other than his own nor respond to a call for service dispatched by another company;
- (6) Not possess a radio equipped to receive the frequency of a vehicle for hire company other than his own; and
- (7) Not interfere with the chief of police in the performance of his duties.

Sec. 8-148. Return of passenger's property.

(a) Upon finding property in a special service vehicle left by a passenger, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall, within a reasonable time, deliver the property to the holder who employs or contracts with the driver.

(b) Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, the date the property was left in the special service vehicle, the circumstances relating to the loss, and the special service vehicle number. The holder shall keep the report on file for at least one (1) year and shall hold the property for not less than three (3) months.

5C. FARES

Sec. 8-149. Fares.

(a) A holder may charge only rates of fare which have been approved by the city council. A holder may propose a change in the rates of fare by filing the proposal with the city secretary and the chief of police for consideration of the city council.

(b) The city council shall hold a hearing to consider the proposed change in the rates of fare. After the hearing the city council may approve, disapprove, or modify the proposed change.

(c) The city secretary shall maintain on file a current schedule of the rates of

fare charged by each holder.

(d) A driver shall not charge a fare for operating a special service vehicle in the city that is inconsistent with the rates on file with the city secretary for the holder under whose operating authority the special service vehicle is operated.

(e) Until rates are established, the rates approved that are in effect in the City of Dallas shall control.

5D. VEHICLE REQUIREMENTS

Sec. 8-150. Vehicle requirements and inspections.

(a) The chief of police may by regulation establish requirements for size, age, condition, and accessories of special service vehicles.

(b) The chief of police may accept the vehicle inspections completed by an approved agency in lieu of special service vehicle being inspected under this section. Approved inspecting agencies are as follows:

- (1) City of Dallas
- (2) Dallas/Fort Worth Airport
- (3) City of Fort Worth

(c) If the permit applicant or permit holder is not permitted under the agencies listed in (b) then the following provisions are applicable.

Sec. 8-151. Chief of police inspects.

(a) The chief of police shall inspect each special service vehicle, for compliance with this article and regulations of the chief of police, before it is placed in service and at other times determined necessary by the chief of police.

(b) A holder, owner, or driver shall make a special service vehicle available for inspection when ordered by the chief of police.

(c) If a holder, owner, or driver fails to make a special service vehicle available for inspection or if the chief of police determines that a special service vehicle is not in compliance with this article or regulations of the chief of police, the chief of police may order the special service vehicle removed from service until it is made available for inspection and brought into compliance.

(d) If the chief of police determines that inspection of the mechanical condition or safety equipment of a special service vehicle by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.

(e) When a special service vehicle is removed from service and placed back in service after fifteen (15) days by the same owner, the owner shall pay to the city twenty-five dollars (\$25.00) for reinspection.

(f) Before any special service vehicle will be approved for service, the chief of police shall be provided with a copy of the registration for the vehicle with the state, or a bill of sale if the vehicle is new and has not yet been registered, showing the name of the individual or holder owning the vehicle. The owner shown on the registration or bill of sale provided to the chief of police shall notify the chief of police of any change in ownership of the special service vehicle within ten (10) business days.

(g) The City of Mesquite shall charge twenty dollars (\$20.00) per year per vehicle if inspection is made by the City of Mesquite.

Sec. 8-152. Required equipment.

Unless otherwise specified in the operating authority under which a special service vehicle is operated or by regulation of the chief of police, and in addition to other equipment required by this article, a holder, owner, or driver shall provide and maintain the following equipment for each special service vehicle:

- (1) Seat belts for each passenger, the number of which is determined by the designed seating capacity of the special service vehicle;
- (2) Heater and air conditioner;
- (3) Fire extinguisher of at least one (1) quart capacity in good condition and conveniently located for immediate use;
- (4) Communication equipment by mobile phone, data terminals or two-way radio on the holder's dispatch frequency; and
- (5) Map of the city.

Sec. 8-153. Vehicle color scheme and distinctive markings.

(a) A holder shall develop the design of a color scheme and distinctive markings for special service vehicles operating under its authority, and shall submit the design to the chief of police for approval to insure that the design is readily distinguishable from the design used by other holders.

(b) After a design is approved by the chief of police, the holder shall submit to the chief of police a color photograph of a completely equipped special service vehicle using the approved design.

(c) The holder shall use only the approved design, as depicted in the submitted photograph, for special service vehicles operated under its authority unless written approval of a change is obtained from the chief of police.

Sec. 8-154. Required vehicle identification.

A holder shall cause each special service vehicle operating under its authority to be provided with the following uniform vehicle identification:

- 1916 002816
- (1) The name of the holder's company printed in letters not less than three (3) inches high with one-half inch stroke; and
 - (2) The number assigned to each vehicle by the chief of police in characters not less than three (3) inches high with one-half inch stroke and located so that it is visible from both sides and rear of the special service vehicle.

Sec. 8-155. Special service vehicle decals.

(a) The holder, owner, or driver of a special service vehicle shall obtain a decal, indicating the special service vehicle's authority to operate, from the chief of police each month, or other period to be determined by the chief of police. A decal must be attached to the front windshield of the special service vehicle in a manner and location approved by the chief of police.

(b) A person commits an offense if he:

- (1) Operates a special service vehicle with an expired decal or with no decal affixed to it;
- (2) Attaches a decal to a vehicle not authorized to operate as a special service vehicle;
- (3) Forges, alters, or counterfeits a special service vehicle decal required by this section; or
- (4) Possesses a forged, altered, or counterfeited special service vehicle decal required by this section.

(c) A special service vehicle decal assigned to one (1) vehicle is not transferable to another without consent of the chief of police.

Sec. 8-156. Removal of equipment.

Whenever a vehicle is removed from service as a special service vehicle, the holder, owner, or driver shall remove from the vehicle all special service vehicle signs, markings, decals, and other equipment that may identify the vehicle as a permitted special service vehicle.


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SECTION 3. That should any paragraph, sentence, subdivision, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, invalid, the same shall not affect the validity of this ordinance as a whole or any provision hereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 4. That any person, firm, or corporation violating any provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine to exceed Five Hundred (\$500.00) Dollars for each offense.


SECTION 5. That the present ordinances of the City of Mesquite, not adequate to permit proper development, and in order to protect the public in comfort, and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that the ordinance shall take effect immediately from and after its passage and publication of the ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February, 1992.


Cathye Ray
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney

Killeen Texas

Chapter 29

TRANSPORTATION*

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- Art. III. Taxi Service, §§ 29-301--29-388**
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Div. 5. Vehicles and Equipment, §§ 29-381--29-388

ARTICLE I. GENERAL PROVISIONS**

DIVISION 1. GENERAL PROVISIONS

Sec. 29-1. Definitions.

(1) *Airport shuttle* shall mean a vehicle with an occupancy of more than six but fewer than sixteen that operates on irregular routes and schedules and that originates or terminates at the municipal airport.

(2) *Charter service* shall mean a vehicle consisting of vans, minibuses, or buses with an occupancy of more than six, including the driver, that operates on irregular routes and schedules, is prearranged, and at a fare mutually agreed upon by customer and holder.

*Cross reference--Smoking, § 13-41 et seq.; licenses, permits and miscellaneous business regulations, Ch. 15; traffic, Ch. 28.

**Charter reference--Regulation of taxicabs, §§ 27(13), 123.

State law reference--Authority to regulate taxicabs, V.T.C.A., Local Government Code §§ 215.004, 215.029.

(3) *City manager* includes the city manager's designee.

(4) *Controlled substance* means a substance defined as a controlled substance under the Texas Controlled Substances Act, section 481.001 of the Texas Health and Safety Code or under Title 21 of the United States Code.

(5) *Cruise or cruising* shall mean the movement of unoccupied taxicabs or limousines over the public streets of the city in search of, or soliciting prospective passengers for hire, except however, unoccupied taxicabs or limousines proceeding to answer a telephone call for taxicab or limousine service from an intended passenger and taxicabs or limousines returning by the most direct route after having discharged a passenger or passengers, to the garage where such taxicab or limousine is housed, or to its regularly established stand, shall not be considered cruising.

(6) *Demand-response transit service* shall mean transportation services provided on a first-come, first-serve basis. Services are upon a shared-ride basis and are dependent upon availability of vehicles during the time the passenger has requested. Demand-response transit services may be operated in one (1) of two (2) ways: for next-day services and nonroutine trips or by subscription. Subscription demand-response transit services will require a passenger needing the same trip(s) at the same time(s) on the same day(s) at least once a week. All of the provisions in this chapter relating to limousine service are applicable to demand-response transit service, save and except that a van may be utilized provided the manufacturer's rated seating capacity does not exceed fifteen (15) passengers.

(7) *Director* means the city manager or his designee.

(8) *Driver* means an individual who drives a ground transportation service vehicle.

(9) *Driver's permit* means written permission granted to an individual by the department to chauffeur a vehicle under the authority granted to a franchise holder or holder.

(10) *Franchise* means the authority to operate a taxicab service granted by ordinance under the city charter.

(11) *Franchise holder* means a person who obtains a taxicab franchise from the city or has the control, direction, maintenance, or the benefit of the collection of revenue derived from the taxicab franchise, and includes the agents, servants, or employees of the franchise holder.

* (12) *Ground transportation service* means the service of providing chauffeured vehicles for hire for the transportation of passengers within the city.

* (13) *Ground transportation vehicle* means a chauffeured vehicle other than a taxicab used to transport passengers on city streets for compensation under the authority of this chapter.

(14) *Holder* means a person who is authorized to operate a ground transportation service, and includes the agents, servants, or employees of the holder. Holder includes a franchise holder.

* (15) *Limousine* shall mean a luxury vehicle that is operated on irregular routes and schedules with an occupancy of five or more, excluding the driver.

(16) *Operating authority* means the written authority granted by the city to provide a ground transportation service other than a taxicab service.

(17) *Owner* shall mean any person who has the control, direction, maintenance or the benefit of the collection of revenue derived from the operation of taxicabs or limousines on or over the streets or public ways of the city whether as owner or otherwise, except "driver" as hereinafter defined.

(18) *Passenger* means an individual being transported for a fee in a ground transportation service vehicle.

(19) *Permittee* means an individual who has been issued a driver's permit to drive a ground transportation service vehicle.

(20) *Pre-arranged service* means ground transportation service that is scheduled in advance of the trip.

* (21) *Shuttle* shall mean a vehicle with an occupancy of more than six but fewer than twenty-five excluding the driver that operates on scheduled routes.

(22) *Taxicab* means a vehicle for hire other than a ground transportation vehicle.

(23) *Taximeter* means a device used in a taxicab to compute a fare.

(24) *Vehicle for hire* means a chauffeured vehicle used to transport passengers on city streets for compensation under the authority of this chapter.

(25) *Vehicle permit* means a decal issued by the city to a franchise holder that evidences the franchise holder's authority to operate a vehicle as a taxicab or a holder's authority to operate a vehicle as a ground transportation service vehicle.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03)

Sec. 29-2. Purpose and applicability of chapter.

It is the city's policy to provide for and to promote adequate and efficient ground service transportation service in the city. To this end, this chapter provides for the regulation of ground service transportation, taxicab rates, and services to be carried out in a manner that protects the public health and safety and promotes the public convenience and necessity and respects the concept of free enterprise. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03)

Sec. 29-3. Operating authority or taxicab franchise required.

(A) Except as provided by subsection (B) of this section, unless a person obtains an authority to operate the service under section 29-161 of this chapter or a taxicab franchise to operate a taxicab service under section 29-305 of this chapter or the person is providing service on behalf of a person who has obtained such authority or franchise, a person may not:

- (1) provide or operate a vehicle for hire within the city;
- (2) represent the person's business to the public as a vehicle for hire; or

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(B) The rate of fare that may be charged by an airport shuttle service is a prearranged flat rate zone charge for each passenger.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XII, 04-22-03)

Sec. 29-212. Airport shuttle service requirements.

(A) A holder of an airport shuttle service operating authority shall comply with article II, division 1 of this chapter.

(B) In addition to the requirements of subsection (A) of this section, a holder must:

- (1) provide the service using vehicles that have an occupancy capacity of more than 6 but fewer than 16, including the driver;
- (2) own, rent, or lease each vehicle used to supply the service;
- (3) operate a minimum of 1 vehicle;
- (4) provide the service using vehicles that are the same color as other vehicles in the holder's fleet, display the name of the service in a manner approved by the department, and have a color scheme easily distinguishable from the color scheme of other ground transportation services operating in the city; and
- (5) be available on an on call basis for an airport emergency as declared by the airport director.

(C) A holder may not employ independent contractors to provide the service.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XII, 04-22-03)

Secs. 29-213--29-230. Reserved.



Subdivision 3. Shuttle Service

Sec. 29-231. Shuttle service requirements.

(A) A holder of a shuttle service operating authority shall comply with article II, division 1 of this chapter, except section 29-192 shall not apply to shuttle service.

(B) In addition to the other requirements of this section, a holder must:

- (1) provide the service using vehicles that have an occupancy capacity of more than 6 but fewer than 25, excluding the driver;
- (2) own, rent, or lease each vehicle used to supply the service;
- (3) operate a minimum of 1 vehicle;
- (4) not employ independent contractors to provide the service; and
- (5) provide the police department with a current list of drivers licensed in the manner described in section 29-121, the driver's license number of each driver, and a photocopy of each driver's license.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIII, 04-22-03)

Secs. 29-232--29-250. Reserved.

Subdivision 4. Charter Service

Sec. 29-251. Charter service requirements.

(A) A holder of a charter service operating authority shall comply with article II, division 1 of this chapter.

(B) A holder must provide the police department with a current list of drivers licensed in the manner described in section 29-121, the driver's license number of each driver, and a photocopy of each driver's license.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIV, 04-22-03)

Secs. 29-252--29-300. Reserved.

ARTICLE III. TAXI SERVICE

DIVISION 1. TAXICAB FRANCHISES

Sec. 29-301. City council approval required; general standards.

A taxicab franchise may be granted, renewed, extended, amended, or transferred only with city council approval. The following conditions apply to a taxicab franchise:

(1) the applicant must be able to operate the taxicab service in accordance with the requirements of this chapter, orders issued under this chapter, provisions of the taxicab franchise, and any other applicable law;

(2) the applicant must agree to provide taxicab service throughout the city.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-302. Franchise application required.

(A) A person must submit a written application to the city council to grant, renew, extend, amend, or transfer a taxicab franchise. The applicant must file an original and three copies of the application with the city secretary.

(B) The application must contain the following:

(1) The applicant's full name, date of birth, telephone number, permanent residence address, and mailing address, and the principal place of business of the proposed taxicab business.

(a) A partnership must include the full name, date of birth, telephone number, permanent residence address, and mailing address of each partner, and any person who participates in the business decisions of the partnership or who has the authority to enter contracts on behalf of the partnership.

(b) A corporation must include the applicant's full name, including any assumed name, location of its principal place of business, and the date of birth, telephone number, permanent address, and mailing address of each officer, director,